

VIRGINIA COMMISSION ON YOUTH

December 6, 2016
10:00 a.m.

The Faison Residence
5322 Markel Road
Richmond, VA 23230

MINUTES

Attending:

Delegates Richard Anderson, Richard Bell, Daun Hester, Christopher Peace
Senators Barbara Favola, Dave Marsden
Citizen members Karrie Delaney, Deirdre Goldsmith, Chris Rehak

Absent:

Delegate Peter Farrell, Senator Bill Carrico

Staff Attending

Amy Atkinson, Will Egen, and Leah Mills

I. Call to Order and Opening Remarks

Delegate Christopher K. Peace, Chair

Delegate Peace started the meeting and asked that the members introduce themselves. He thanked Brain McCann, president and CEO of the Faison School, for hosting the Commission's meeting. He stated that a tour for interested members would take place immediately following the meeting.

Delegate Peace informed the members that included in their folders was a report from the Virginia Department of Education on the *Barriers and Recommendations to Serving Virginia Students with Disabilities in their Local Schools*. This report was the result from the Commission's Study on the *Use of Federal, State, and Local Funds for Private Educational Placements of Students with Disabilities*. This was a two-year study that took place during the 2014 and 2015 study years. The Commission adopted a study recommendation that resulted in a budget amendment which was passed by the 2016 General Assembly. This budget amendment required the Virginia Department of Education to convene a workgroup to assess the barriers to serving students with disabilities in their local public schools. The report enclosed in the members' packets summarized the activities from the Department's workgroup.

II. Election of Chair and Vice Chair

Delegate Peace noted that § 30-174 of the *Code of Virginia* requires that the Commission on Youth elect a Chairman each year. At this meeting, the Commission would be electing a chair and vice-chair. Delegate Peace opened the floor for nominations for Chair. Delegate Bell made a motion to nominate Senator Favola as Chair of the Virginia Commission on Youth. Senator Marsden seconded the motion. The members voted unanimously to elect Senator Favola as Chair. Delegate Peace asked Senator Favola to take over the meeting proceedings and the nominations as the Commission's newly elected Chair. Senator Favola thanked the Commission for their support. She also thanked Delegate Peace for his service and hard work.

Senator Favola opened the floor for nominations for Vice-Chair. Delegate Peace made a motion to nominate Delegate Bell as Vice-Chair. Senator Marsden seconded the motion and the Commission members voted unanimously to elect Delegate Bell.

III. Promising Practices in Substance Use Prevention at the University of Virginia

Susan Bruce, Director

Gordie Center for Substance Abuse Prevention, University of Virginia

Senator Favola introduced Susan Bruce, the Director of the University of Virginia's Gordie Center for Substance Abuse Prevention. She noted that Ms. Bruce had more than 20 years of experience and that Ms. Bruce would provide an overview of the University of Virginia's efforts in substance abuse prevention.

Ms. Bruce outlined the critical components of health promotion campaigns, the messaging included in an effective campaign, and various campaign strategies that target specific populations. She outlined information about the University of Virginia's prevention efforts. Ms. Bruce discussed the Brief Alcohol Screening and Intervention for College Students (BASICS) and the Hoos in Recovery Program. She also shared a video that highlighted the success of the Night of Shooting Stars program held at the University. This event had multiple student group sponsors, highlighted education on drugs of abuse, and was a memorial to students impacted by substance use.

Ms. Goldsmith thanked Ms. Bruce and expressed appreciation for the work of the University. She stated that student-led programs have great value. Ms. Goldsmith stated that her daughter, Shelley Goldsmith, passed away August 31, 2013 from a toxic reaction to a drug she had taken – methylenedioxy-N-methylamphetamine (MDMA), otherwise known as "molly." Ms. Goldsmith stated that since that day, she has strived to convey the critical message that recreational drug use can be life-altering and potentially lethal. There are many effective programs that could be compiled as a resource to be shared with Virginia's state universities with the goal of reaching students like her daughter Shelley.

Senator Favola stated that she appreciated Ms. Goldsmith's calling the Commission to action and her devotion to this important work. She then informed the Commission that in the members' packets there was a draft of budget language similar to the substance abuse awareness budget language submitted by the Commission last year. Senator Favola emphasized the importance of identifying peer-based substance abuse prevention programs and stated that Ms. Bruce's presentation illustrated the value and effectiveness of student-led peer-to-peer programs and initiatives. Senator Favola asked for a motion to move forward with the draft budget amendment for the 2017 General Assembly Session. Delegate Peace moved and Delegate Bell seconded that the Commission moved forward with the budget amendment. The motion was adopted unanimously by the Commission.

The Commission members asked questions about the surge in heroin use in Virginia and whether the University of Virginia had noticed any increases in heroin use. Ms. Bruce stated the University collects data annually. The rates of drug use other than alcohol and cannabis use was low. Ms. Bruce then reported on an annual survey of self-reported drug use. There was a 10 percent response rate for use of stimulant drugs. The University tracks the data and has not seen an increase in prescription drug or heroin use. The survey is anonymous and confidential. The University does look at

trends over time. A member inquired whether emergency room data was checked. Ms. Bruce said yes but stated that not all substances were tested in the emergency room. Ms. Bruce answered questions about how information was shared with University officials.

A question was asked whether the University's Honor Code required students to report when they were arrested for alcohol or drug-related offenses. Ms. Bruce stated there is a requirement each year in August that returning students who were arrested during the preceding year must report such incidents to the University. There was also a reminder to students that they must report such incidents that may have occurred between terms. Failure to report offenses would prevent them from registering. A follow up question was raised whether this data was ever used to help the University assign students to housing. Ms. Bruce stated that the University was only required to provide housing to first year students. This use of the data was not done and may possibly be prohibited by confidentiality laws. However, the University has the goal to implement recovery housing for students.

The members thanked Ms. Bruce for her informative presentation. Ms. Bruce's presentation as well as the video she shared can be accessed on the Commission's webpage under the December 6 meeting tab.

IV. Virginia's Adoption Home Study Process and Decision Matrix

Will Egen, Legal Analyst

Senator Favola stated that due to time constraints, the Commission members agreed to postpone the Adoption Home Study presentation originally scheduled to be heard at the Commission's October 20th meeting to the December meeting. The presentation and draft study recommendations were posted to the Commission's webpage immediately following the October 20th meeting and a public comment notification was sent via the Commission's listserv. Written public comments were accepted through November 28 and then shared with all Commission members. A summary of the public comments are also included in the Draft Decision Matrix. There is also a binder containing all public comments submitted.

Senator Favola suggested that might be easier for the Commission to first receive public comment and then hear Mr. Egen's presentation on the study findings and recommendations. The Commission members agreed.

The following individuals offered public comment:

- Ms. Shannon Updike, co-Chair with the Virginia Chapter of the Family Focused Treatment Association (FFTA) stated that her Association represented approximately 20 organizations throughout the Commonwealth. She expressed concerns with Option 2 under Finding 1. She noted that currently, licensed child placing agencies (LCPAs) have the flexibility to create and revise their home study formats while complying with the Virginia Department of Social Services' (VDSS) regulations and other accrediting body standards. She stated that her organization proposes that all LCPAs be required to utilize the state-created Mutual Family Assessment Home Study format but with permission to add the agency's logo and other materials deemed important. She commented that her organization also had concerns with Option 1 under Finding 5. LCPAs do not receive funding to conduct home studies and must invest time and resources into the home study process with the expectation that they will recoup the cost once the child is placed with the

family. The average cost for a home study is \$1,500 and there is no federal or state reimbursement to offset the cost of the home study. Reciprocity without funding would increase the financial burden across the state. It is their opinion that the home study is proprietary and, unless the state reimburses the LCPA a fair amount for each home study, then the home study should remain proprietary. Furthermore, they propose the Commonwealth not be allowed to change the forms without six months' notice and in consultation with LCPAs about suggested changes.

- Abigail Schreiner, with the Virginia Association of Licensed Child Placing Agencies (VALCPA) representing 32 member organizations in the Commonwealth, and also on behalf of HopeTree Family Services expressed concerns with Option 2 under Finding 1. Many of their agencies have invested time and resources in their home studies to incorporate a trauma-informed model of the Mutual Family Assessment. Mandating a uniform Mutual Family Assessment across all agencies would be a step back, as well as being costly and burdensome. Agencies should have the right to choose the format they wish to use for the home study and families can choose the agency that best meets their needs. They are also opposed to Recommendation 1 under Finding 5. A home study is a relational process, not just a piece of paper, the agency gets to know the family to help locate the best match for children. If the home study is exchangeable, then this will eliminate that relational process and the ability for the agency to get to know the family. In addition, treatment foster care agencies absorb the entire cost of the home study; they are not reimbursed until a child is placed. The agencies recoup the cost at that time. If the home study is exchanged across agencies, there is no way to recoup the cost or for the agency to be reimbursed. The intent of the recommendations are to best serve families and, while she appreciates the positive work of the Commission, she asks that the Commission oppose the aforementioned recommendations.

Senator Marsden inquired whether there were currently accepted formats or standards for home studies. Ms. Schreiner noted that there were guidelines that were agreed upon and these were outlined in the *Code of Virginia*. Moreover, home studies could be already shared with public agencies and she was not aware of issues in sharing home studies with public agencies.

- Marge Thornton with Virginia Catholic Charities commented that many agencies in Virginia are not just doing adoptions of foster youth but also providing adoption home services and home studies for infants, international adoptions, interstate adoptions, as well as relative adoptions and parental placements. She stated having a specific format will not meet the needs of children and families. International home studies can be over 20 pages in length and specific language must be included. What happens is that it takes more time and the families have to absorb the cost. They do support the Mutual Family Assessment process for children in foster care.

Senator Favola asked the members to turn to the Draft Decision Matrix and consider the Study's Draft Recommendations. Mr. Egen offered background on the Commission's study and the work of the Advisory Group. Mr. Egen then outlined each of the Findings and Recommendations. Mr. Egen's presentation and the Draft Decision Matrix can be accessed on the Commission on Youth's website under the December 6 meeting tab.

Finding 1 –The Mutual Family Assessment template is the preferred format for use in approving provider families. Mr. Egen reviewed the two draft options for Finding 1 and the public comments submitted to the Commission. Questions were raised as to who would implement the Mutual Family Assessment and whether the local department of social services would be responsible for implementing this. The members then discussed the need for consistency with local departments of social services as long as there were also consistent guidelines for LCPAs and their formats while allowing them flexibility. Senator Favola asked Mr. Carl Ayers with the Virginia Department of Social Services whether LCPAs had to include certain criteria in their home study formats. Mr. Ayers stated that this was correct. He then noted that the foster adoptive parent community had expressed confusion because LCPAs had different home study formats and foster adoptive parents had asked that the Commonwealth to provide consistency in these formats. Option 1 would address this for the local department of social services. However, half of all children in these placements were handled by LCPAs. Senator Favola asked whether the Department could facilitate consistency through regulation with local departments of social services. Mr. Ayers stated that Option would 1 accomplish this goal but only for foster adoptions facilitated by local departments of social services. Delegate Peace moved that Option 1 be adopted. Senator Marsden seconded the motion and the motion passed unanimously.

Finding 2 – There is no statewide database of current foster families, and agencies are unable to verify if an applicant has previously applied to be a resource family. Mr. Egen reviewed the draft option for Finding 2 and the public comments submitted to the Commission. Delegate Peace inquired whether other states had databases of foster families and whether they helped with placements. He then asked about the estimated cost and if grant monies were available to offset general fund costs. Mr. Ayers stated that multiple states had databases and have found it to have helped in managing placements and in connecting systems. Mr. Ayers stated Virginia had four major child welfare systems. The total estimated cost to move forward with replacing the system was approximately \$70 million. Half of this amount would be federal funds, lowering the cost to \$35 million. This cost would be spread out by system components over the course of several years. Delegate Peace asked if Mr. Ayers could provide a phased approach and the cost per year to support implementation. Mr. Ayers stated that they could do this now. Senator Favola stated the expectation would be that the Department would also provide a resource plan for funding. Senator Favola asked whether the Commission concurred with the expectation that the Commission receive a resource plan. Delegate Peace stated that the Commission could support the concept but, due to the Commonwealth's budget shortfall, new initiatives could not be taken on at this time. He stated that the Commonwealth should certainly be looking ahead and planning for the future. Ms. Atkinson noted that Department already has planning funding and was moving forward with the planning process. Mr. Ayers stated that over \$3 million was appropriated for the mobility portion for the system replacement. The Department was directed last year to start working on this. Senator Favola asked if additional funds were required. Mr. Ayers stated that the Department had a vendor in place and a Request for Proposals would be issued this spring. The Commission's support would be helpful to ensure efforts were aligned but he reiterated that the Department was moving forward with this option. Senator Favola stated that it seemed that Finding 2 was already being addressed.

Finding 3 – Parents have two rights of appeal in certain domestic relations cases including termination of parental rights. Mr. Egen reviewed the draft option for Finding 3

and the public comments submitted to the Commission. Senator Marsden asked if the Supreme Court had weighed in on the technical difficulties of storing juvenile records since juvenile courts were not courts of record. Mr. Egen stated that the Supreme Court did not submit comment but the cost would certainly be a driver. Senator Favola asked if the Commission's draft recommendation would also include the cost of implementing juvenile and domestic relations courts as courts of records for certain cases. Mr. Egen stated that was correct. Senator Favola inquired whether the Virginia Bar Association was the best entity to study this issue. Mr. Egen stated that there were concerns about whether the Family Law Coalition of the Bar Association was the best organization. Delegate Peace stated that he reached out the Bar Association's lobbyist and it was suggested that the Commission on the Needs of Children would be a more appropriate venue and the Bar Association could provide support to the process. Delegate Peace reviewed legislative history and past legislative initiatives of having juvenile and domestic relations courts become courts of record with focus on termination of parental rights' proceedings. These past initiatives did not move forward. Delegate Peace noted that this was a difficult issue and it was tough balancing of rights of the parents and the rights of the children. However, Virginia has two times the national average of children aging out of foster care. He asked if the Commission would accept that as an amendment to Finding 3, Option 1 to have the Commission on the Needs of Children study this issue. Senator Favola asked whether this Commission was a state-funded entity. Mr. Egen stated that this Commission was affiliated with the Virginia Bar Association. Delegate Anderson seconded the amendment. The Commission adopted the amended recommendation unanimously. Senator Favola stated that the Commission on Youth would send a letter to the Commission on the Needs of Children requesting that this entity study this issue.

Finding 4 – Foster care-to-adoption is vital in promoting the goal of permanency. Mr. Egen reviewed the draft option for Finding 4 and the public comments submitted to the Commission. Senator Favola asked if the Department of Social Services had the resources to do this. Mr. Ayers stated that the Department was doing and going to continue doing. He stated that 89 percent of children in foster care were adopted by their foster parents and that is why the Department wanted to focus on this campaign. Senator Favola stated that since the Department was moving forward with this already, the Commission was supportive of the Department's efforts and looked forward to a future presentation from the Department on this campaign.

Finding 5 – Barriers during the adoption placement timeframe include the home study approval process and matching families with youth. Mr. Egen reviewed the draft option for Finding 5 and the public comments submitted to the Commission. Senator Favola asked for clarification as to whether this would be a study. Mr. Egen stated that this option was a study. Ms. Delaney asked about how reciprocity would address confidentiality particularly with families divulging financial and personal information to LCPAs. She inquired how would the content of the home study be safeguarded. Mr. Egen stated that this would certainly apply to background checks and that it may be that this portion of the home study not be portable. Ms. Delaney stated there may also be other portions of the home study that should remain confidential because some of this information may not be in the form of a sealed document. Mr. Egen noted that this was a valid point. Delegate Bell stated there seemed to be a number of questions on reciprocity. Mr. Egen stated that LCPAs work very hard to build the relationships with the families they serve. Senator Favola stated that this option may not be ready to be

acted upon. No motion was made by the Commission; therefore, no action was taken on Finding 5.

Finding 6 – Adoption savings funds are being used to assist local departments of social services in completing the foster care and adoption home study process. Mr. Egen reviewed the draft option for Finding 6 and the public comments submitted to the Commission. Senator Favola asked what support would the Department of Social Services require in order to move forward with this option. Mr. Egen stated this would be a letter to the Department of Social Services. Delegate Peace stated that for findings and recommendations supporting actions in certain areas, that the Commission would send one letter to the Department for all of the Findings. This would also apply to Finding 4. Delegate Peace asked that a copy of the letter be shared with the staff of the Senate Finance and House Appropriations Committee. Senator Favola agreed.

After the presentation of the findings and recommendations at the Commission's December 6, 2016 meeting, and receipt of public comment, the Commission on Youth approved the following recommendations:

Recommendation 1

Introduce a bill to mandate the Mutual Family Assessment home study and addendum developed by the Virginia Department of Social Services as a uniform home study format for statewide use among local departments of social services. Provide flexibility to allow the Virginia Department of Social Services to update this format in the future when necessary.

Recommendation 2

Support the Virginia Department of Social Services in its acquisition and implementation of a new comprehensive child welfare computer system. Ensure the ability of a case worker to make an intake query to see if an applicant family has previously applied to be an adoptive, foster, resource, respite family at another agency.

Recommendation 3

Request the Virginia Bar Association's Commission on the Needs of Children study the implications of the removal of the right to appeal, to Circuit Court from Juvenile and Domestic Relations District Court, certain cases involving termination of parental rights. Relevant Code of Virginia Section: (§ 16.1-296(D)).

As part of this study, look to the concept of having Juvenile and Domestic Relations District Courts become courts of record for matters involving child custody and termination of parental rights. This could be accomplished by requiring court reporters be present in these specific proceedings with appeals going directly to the Virginia Court of Appeals.

Recommendation 4

Support a messaging campaign at the Virginia Department of Social Services that promotes adoption through foster care.

Recommendation 5

Support the Virginia Department of Social Services efforts related to the hiring of regional home study specialists whose role is to assist local departments of social services by completing the foster care and adoption home study process.

The Adopted Decision Matrix can be accessed on the Commission on Youth's website under the December 6 meeting tab.

V. Presentation: The Faison Center, Inc.

*Brian McCann, President & Chief Executive Officer,
The Faison Center, Inc.*

Senator Favola introduced Mr. McCann and informed the Commission that Mr. McCann was elected President and CEO of The Faison Center by the Board of Directors in December 2015. Mr. McCann provided an overview on recent activities taking place at the Faison Center and on its variety of service models. After his presentation, he invited the Commission members joined him on a tour of the Center once the Commission meeting adjourned.

VI. Adjourn

Senator Favola thanked everyone for their participation. The meeting adjourned at approximately 12:08 p.m.